

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:16-00012-01

JOSHUA MICHAEL WALLS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 26, 2018, the United States of America appeared by J. Matthew Davis, Assistant United States Attorney, and the defendant, Joshua Michael Walls, appeared in person and by his counsel, John H. Tinney, Jr., for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three-year term of supervised release in this action on September 7, 2016, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on July 11, 2016.

The court heard the admissions of the defendant, the evidence and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant possessed a firearm on April 2, 2018, as found by the court on the record of the hearing, which findings are herein incorporated by reference; (2) the defendant possessed marijuana on April 2, 2018, as more fully set forth in Violation No. 1; (3) the defendant failed to file a monthly report with the probation officer as required for the months of January, February, March and April 2018; (4) the defendant failed to report to the probation officer as directed during the months of February, March and April 2018; (5) the defendant used and possessed methamphetamine as evidenced by a positive urine screen submitted by him on December 26, 2017; (6) the defendant failed to report as instructed for substance abuse counseling and treatment sessions as more fully set forth in Violation No. 6; (7) the defendant failed to appear for urine screens as directed on five occasions in 2016, seventeen occasions in 2017, and seven occasions in 2018, as memorialized in the e-mail submission provided to the court by the probation officer, which is hereby ORDERED filed; and (8) the defendant failed to timely report his arrest on April 2, 2018, to the probation officer;

all as admitted by the defendant on the record of the hearing with the exception of (1) as set forth above and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS, to be followed by a term of twenty-six (26) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in

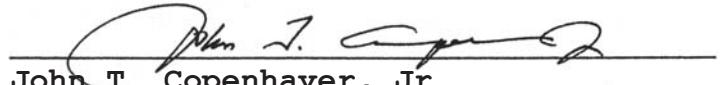
Local Rule 32.3 and the special condition that he participate in and successfully complete the 9 to 12 month residential drug treatment program at Recovery Point or, if unavailable, a comparable program to be designated by the probation officer, where he shall follow the rules and regulations of the facility, and participate in drug abuse counseling and treatment as directed by the probation officer. The defendant shall report directly, without interruption, from his place of incarceration to the designated facility.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution as close to Charleston, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 2, 2018


John T. Copenhaver, Jr.
United States District Judge